



**Town of Nantucket
Finance Committee**

**Agenda of the Finance Committee
Meeting of Thursday, February 12, 2015
4 Fairgrounds Road Training Room
4:00PM**

1. Call to Order.
2. Public Comment.
3. Approval of Minutes from Meetings on February 2, February 5 and February 9 2015.
4. Committee Reports.
5. Review of Zoning Articles for 2015 Annual Town Meeting.
6. Review of Real Estate Articles for 2015 Annual Town Meeting.
7. Review of Warrant Articles and Potential Motions for Articles 73-111.
8. Date of Next Meeting: February 17, 2015.
9. Adjournment.



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: Matthew T. Mulcahy (Chair), David Worth (Vice-chair), John Tiffany, Christopher J. Kickham, Clifford Williams, James Kelly, Stephen Maury, Craig Sperry, Joseph T. Grause Jr.

MINUTES

Monday, February 02, 2015

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:03 p.m.

Staff in attendance: Libby Gibson, Town Manager; Gregg Tivnan, Assistant Town Manager; Brian Turbitt, Director of Finance; Martin Anguelov, Assistant Finance Director; Terry Norton, Town Minutes Taker

Attending Members: Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Sperry, Grause

Absent Members: Maury

Late Arrivals: Kelly 4:16 p.m.

Early Departures: None

Documents used: January 20 & 22, 2015 minutes; Estimated 30% of Town Share of Room Occupancy Tax for FY 2016; Warrant for 2015 Annual Town Meeting

I. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMITTEE AT THIS TIME

1. None

II. APPROVAL OF PRIOR MEETING MINUTES

1. January 20, 2015 – **Motion to Approve as amended.** (made by: Sperry) (seconded by: Tiffany) Carried 7-0
2. January 22, 2015 – HELD

III. COMMITTEE REPORTS/OTHER BUSINESS

1. Audit Committee – Rescheduled for Monday, February 9 @ 1 p.m.

IV. DECLARATION OF EMERGENCY SITUATION TO ALLOW DEFICIT SPENDING FOR SNOW REMOVAL BUDGET

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Sperry, Grause

Discussion **Turbitt** – Looking for a vote to declare an emergency and thus authorize expenditures in excess of the appropriations as required under MGL Chapter 41 section 31d. Once the committee declares the emergency, he will send letter to the Department of Revenue (DOR) noting action been taken.

Kickham – Asked why this isn't done every year before big storms to rule out doing this.

Turbitt – Explained it is typical to wait until the budget limit is reached; it is a good practice not to do it too early. With the encumbrances as they stand today, the snow and ice budget is in a deficit situation.

Discussion on motion:

Grause – Asked if the Town goes further into a deficit, does another declaration have to be made.

Turbitt – This allows further authorization spending for what they need to continue operations.

Motion **Motion to Declare an emergency situation.** (made by: Tiffany) (seconded by: Williams)

Vote Carried 7-0

V. REVIEW OF 30% OF TOWN SHARE OF ROOM OCCUPANCY TAX FOR FY2016

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Sperry, Grause

Discussion **Mulcahy** – There was a citizen's warrant article about this at the 2014 Town meeting that was non-binding and passed. He and Mr. Read have had discussions about the uses of the Rooms and Meals Tax. There is a document included in the meeting packet which was proposed by Town Administration and Finance and breaks down the cost. The idea is to specify how money from the room tax is spent.

Phil Read, Chair of the Visitors Services Advisory Committee (VSAC) – Introduced members of his committee and staff in attendance. For the first 16 years that the tax was collected at 4%, we collected over \$18M; in the last 4.5 years at 6%, we collected over \$11M; these are the gross amount of the Nantucket share. He read into the record a letter addressing the Visitors Services Advisory Committee concerns in regards to transparency in and handling of funds from the Room Occupancy and Meals Tax. Submitted a packet; reviewed its contents. Asked for 15% to go directly into Visitors Services' budget, which would represent a substantial increase.

Williams – Recalled the discussion FinCom had in 2014 in regards to Room Tax; asked if VSAC feels Visitor's Services is unable to get a budget that will cover their expenses.

Read – We are looking for a fixed percentage that will allow Visitor's Services to grow.

Kickham – In regards to transparency of revenue, asked if that would be applied to the Town part as well as the 30%.

Read – Whatever wasn't spent should show in the Tourism Account. The Town needs good publicity in what it's doing for tourism and what the industries are doing for tourism.

Kickham – Asked if VSAC would be amenable to both being transparent.

Read – Yes.

Tiffany – What Mr. Read is suggesting is a budget based upon percentage rather than set funding; asked where the Town would have input into use of that budget.

Read – We would present that budget back to the Town; the Town would have veto power over anything in that budget.

Tiffany – This department is part of the Town but it sounds like the VSAC wants independence from the Town. He personally is struggling with the idea of who would control that money. To him it sounds like this department is asking for special prerogative in getting a budget approved.

Read – Visitor's Services isn't asking for that kind of autonomy. They simply don't want their budget denied without cause and want to have input into what is or is not cut.

Williams – Asked about VSAC's request to remove lifeguards from the transparency document.

Read – Lifeguards provide a service to everyone on the island, not just hotel/inn guests or day-trippers.

Grause – Asked if there is square-foot figure available for the size of the Children's Beach concession building.

Kate Hamilton-Pardee, Executive Administrator Visitor's Services – Stated that her department doesn't run that concession; Visitor's Services runs the Children's Beach events. In regards to Mr. Tiffany's question; Visitors Services has taken over a number of responsibilities from other departments but hasn't received an increase in funds to meet those responsibilities. She feels there are some Visitor's Services projects that shouldn't be cut if the Town wants to maintain Nantucket as a world-class destination.

Worth – Asked why the quarter over quarter tax revenues are higher in September to November than they are in June to August. Looking at the revenue, the implication is that the hoteliers run at a lower occupancy during the busiest months.

Read – There's a delay from when it's earned to when Visitor's Services receives it.

Hamilton-Pardee – On July 4th there were 70,000 people on island. The fall wedding revenue is a huge source of revenue. Christmas Stroll and New Years have also become a source of revenue. The funds from DOR always arrive late. Said she would be happy to provide the revenue stream.

Grause – With taxing the seasonal private residences rentals, that came before Annual Town Meeting twice and was defeated. He thinks the owners would argue that they already pay taxes and they would be paying twice.

Read – The renter pays the money, not the owner. It sounds like they don't want to collect the taxes and forward them to the State.

Grause – More people are listing on the rental by owner sites. Asked how that tax for rentals would be enforced.

Read – If the property is listed with a real estate agent, it would not be voluntary.

Hamilton – Pointed out that every room that is rented and subject to the room tax is licensed and inspected by the Town of Nantucket.

Kickham – Asked about the trend for rooms that pay the tax versus houses and is that going down.

Read – The amount of rooms have gone down but the room rates went up so the tax revenue went up.

Worth – Asked the rationale on the tax on rental of private properties. Nantucket is not a poor town and can afford to meet its needs.

Read – He suggested asking Florida what they do with that revenue. It is an opportunity to gain extra revenue.

Hamilton-Pardee – Reviewed some projects that were built using the money from the room tax. It would go to the Town and the services. It used to pay for the fireworks; it will again. It is used to do beach cleaning; it pays for events on Children's Beach; it pays for July 4th events.

Worth – Asked what happens to the revenue Visitor's Services doesn't get.

Hamilton-Pardee – The revenue we don't get goes to the Town of Nantucket; however, there is no transparency as to how that money is being used. The committee wants input as to where that money is being used.

Discussion about the airport kiosk that Visitor Services asked to be added to their budget that wasn't approved and other items that they could pay for with an increase in funding.

Mulcahy – In his opinion, the transparency document is a big step forward. The biggest bone of contention seems to be in seasonal officers and lifeguards. This year the budget is set; so we are looking at future budgets. Asked if the committee has taken an official stance on the home rental tax.

Read – No.

Kelly – VSAC is an advisory board and the Town manager is the conduit; if they come up with annual priorities, there is a budget process for getting those through.

Worth – Asked where the balance of the room tax gets spent.

Gibson – Almost anything: police, fire, street cleaning, visitor's services; it's not specific to any one program.

Kelly – If there is a percentage of revenue being spent and the Town manager wants to reallocate to balance to other town services, that is where the spending becomes arbitrary. There seems to be a lot of time being spent to justify whether or not the funds are in the proper category.

Tiffany – In the past, visitor's services came before FinCom to discuss their budget. We might want to look at doing that again.

Kelly – It might be appropriate on a rotational basis to look at not just the "big" departments but all departments in order to be aware.

VI. REVIEW OF WARRANT ARTICLES FOR 2015 ANNUAL TOWN MEETING (ATM)

Discussion about the "archaic" language in which the articles are written and reasons for the legalese.

1. Article 1, Receipt of Reports

Discussion **Gibson** – The usual receivable report.

2. Article 2, Appropriation: Unpaid Bills

Discussion **Gibson** – The usual unpaid bills.

3. Article 3, Appropriation: Prior Year Articles

Discussion Annual Item

4. Article 4, Revolving Accounts: Annual Authorization

Discussion **Gibson** – Annual financial article.

5. Article 5, Appropriation: Reserve Fund

Discussion **Gibson** – Annual financial article.

6. Article 6, Fiscal Year 2015 General Fund Budget Transfers

Discussion **Gibson** – Annual financial article.

7. Article 7, Personnel Compensation Plans for Fiscal Year 2016

Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Sperry, Grause

Discussion **Gibson** – Annual financial article.

Worth – Asked if there are any increases.

Gibson – The Town Clerk's salary increases 2.5%.

8. Article 8, Appropriation: Fiscal Year 2016 General Fund Operating Budget

Discussion **Gibson** – Annual financial article.

9. Article 9, Appropriation: Health and Human Services

Discussion **Gibson** – Annual financial article.

10. Article 10, Appropriation: General Fund Capital Expenditures

Discussion **Gibson** – Annual financial article.

11. Article 11, Appropriation: Fire Station

Discussion **Gibson** – Appropriations language written so that funding is dependent upon 2.5% debt exclusion vote at the election that takes place about 1 week after Town Meeting.

12. Article 12, Appropriation: School

Discussion **Gibson** – Appropriations written so that funding is dependent upon 2.5% debt exclusion vote at the election that takes place about 1 week after Town Meeting.

Grause – Asked how the funding from the Massachusetts School Building Authority works and where we are in that process

Gibson – Nantucket Public Schools did not meet the eligibility for the most recent round of funding. The Town has applied again; but if we were to get funds, it would be too late. If the Town were to get those funds, we would have to come back to ATM for approval of acceptance of those funds. Also it is very unlikely Nantucket would get those funds.

Mulcahy – His understanding is that it would take several years before there was any determination.

Turbitt – Realistically we don't expect to get those funds.

Grause – Pointed out that going to their web site, there are other wealthy communities getting millions in funding. He would like to know why communities wealthier than Nantucket are getting millions of dollars for schools and Nantucket is not.

Mulcahy – That is a question for the Superintendent of Schools.

Kelly – He recalled that when Diane O'Neil presented the project to the BOS she summarized the process and why they didn't apply.

13. Article 13, Appropriation: Fiscal Year 2016 Enterprise Funds Operations

Discussion **Gibson** – Enterprise fund budget.

14. Article 14, Appropriation: Enterprise Funds Capital Expenditures

Discussion **Gibson** – Enterprise fund budget.

15. Article 15, Enterprise Funds: Fiscal Year 2015 Budget Transfers

Discussion **Gibson** – Enterprise fund budget.

16. Article 16, Appropriation: Waterways Improvement Fund

Discussion **Gibson** – Annual Waterways Improvement Fund appropriations.

17. Article 17, Authorization: Airport Aviation Fuel Revolving Fund for Fiscal Year 2016

Discussion **Gibson** – Annual Aviation Fuel Fund appropriations.

18. Article 18, Appropriation: Airport Carbon Neutral Program Energy Management Services
Sitting Mulcahy, Worth, Tiffany, Kickham, Williams, Kelly, Sperry, Grause
Discussion **Gibson** – New special article for appropriations for the Airport Carbon Neutral Program; not sure this will go forward at Town Meeting.
Mulcahy – Mr. Rafter talked about this. It is looking like it might be a Take No Action motion.
19. Article 19, Appropriation: Ambulance Reserve Fund
Discussion **Gibson** – Annual article.
20. Article 20, Appropriation, County Assessment
Discussion **Gibson** – Annual article.
21. Article 21, Appropriation, Finalizing Fiscal Year 2016 County Budget
Discussion **Gibson** – Annual article.
22. Article 22, Rescind Unused Borrowing Authority
Discussion **Gibson** – Working on what unused borrowing authority they can use. It's an annual article.
23. Article 23, Appropriation: Ferry Embarkation Fee
Discussion **Gibson** – Annual article.
24. Article 24, Appropriation: Other Post-Employment Benefits Trust Fund
Discussion **Gibson** – Annual article.
25. Article 25, Authorization to Borrow for Easy Street Bulkhead Renovation
Discussion **Gibson** – A new one-time article as a result of a state grant and loan the Town was approved for through the State. We will need authorization from Town Meeting to borrow to pay back the loan. This will not be a debt exclusion; it will be paid for in the operating budget. It probably won't hit the operating budget until FY2017.
26. Article 26, Appropriation: Collective Bargaining Agreement/Fire
27. Article 27, Appropriation: Collective Bargaining Agreement/Airport Union
28. Article 28, Appropriation: Collective Bargaining Agreement/Our Island Home
29. Article 29, Appropriation: Collective Bargaining Agreement/Public Works
30. Article 30, Appropriation: Collective Bargaining Agreement/Laborer's Union
31. Article 31, Appropriation: Collective Bargaining Agreement/Police
32. Article 32, Appropriation: Collective Bargaining Agreement/Wannacomet Water
Discussion **Gibson** – These are all Collective bargaining articles.
Mulcahy – In the past, this committee has taken a firm stance to receive adequate time for review.
33. Article 33, Amendment to FY2015 Community Preservation Funds Appropriation: Ken Beaugrand, sponsor
Discussion Discussed Dec. 15. Deferred action.
Gibson – Citizens Warrant for CPC appropriations.
34. Article 34, Community Preservation Committee: Fiscal Year 2016 Budget Transfers: Ken Beaugrand, sponsor
Discussion Discussed December 15. Deferred action.
Gibson – Citizens Warrant for CPC appropriations.
- Motion **Motion to Adopt.**
35. Article 35, Appropriation: FY2016 Community Preservation Committee: Ken Beaugrand, sponsor
Discussion **Gibson** – Citizens Warrant for CPC appropriations.
36. Article 36, Community Preservation Act Appropriation: Sachem's Path
Discussion **Gibson** – Have gotten answers from Town Counsel about questions on this.
37. Article 37, Appropriation: Replacement Servers: Catherine Stover, sponsor
Discussion Discussed Dec. 15. No action at this time.
Gibson – This is probably going to come from IT.
38. Article 38, Appropriation: Archival Vault System: Catherine Stover, sponsor
Discussion Discussed Dec. 15.
Motion **Motion to Adopt with Appropriations from free cash.**

39. Article 39, Appropriation: Canine Retirement Stipend: Keith Mansfield, sponsor

Discussion Discussed Dec. 15

Motion **Motion not to adopt.**

40. Article 40, Appropriation: Funding for Granite Curbing Along Hooper Farm Road: Donald Ryder, sponsor

Discussion Discussed Dec. 15

Motion **Motion not to Adopt.**

41. Article 41, Appropriation: Creation of Parking on Cathcart Road: Thomas Barada, sponsor

Discussion **Gibson** – Citizen article.

42. Article 42, Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver

Discussion **Gibson** – Started as a bylaw then turned into a zoning article and home rule petition. This would be for people building homes within a certain number of feet of "shore-front land"; they would execute a waiver that the Town would not be liable for loss of the house should it fall into the ocean.

Grause – Asked if someone could presently sue the Town for loss of their home.

Gibson – Technically yes.

Tiffany – Recently the Town has had to rebuild road to maintain access. Asked if this would change that.

Gibson – No. There are statutes that exist for that situation. This is specifically related to buildings.

Mulcahy – Zoning articles are to be reviewed at the February 10 meeting.

43. Article 43, Zoning Map Change: LC to CDT/North Water Street: Michelle Langlois, sponsor.

44. Article 44, Zoning Bylaw Amendment: Rooming, Lodging, and guest Houses in ROH district with a half mile radius of the CDT district and Zoning Map Change: LC to ROH and CN-N. Water, Sea, Easton, N. Beach, S. Beach Streets and Harbor View Way and Mackay Way – Brant Point

45. Article 45, Zoning Map Change: RC to ROH – Union Street, Washington Street and Duck Pond Lane

46. Article 46, Zoning Map Change: SR-1 to SOH: West Sankaty Road, New and King Streets

47. Article 47, Zoning Bylaw Amendment: New Zoning District R-5 and R-10 Limited and Zoning Map Change: Pine Valley R-10 to R-10L

48. Article 48, Zoning Map (Miscellaneous) Changes and Zoning Bylaw Amendment: Town and Country Overlay District

49. Article 49, Zoning Map change: R-10 to CN/Fairgrounds Road and Newtown Road, Sponser Irvin Holdgate

50. Article 50, Zoning Map Change: R-10 to RC/40 & 42R Sparks Avenue

51. Article 51, Zoning Map Change: CI to CN/Portion of 3 Shadbush Road

52. Article 52, Zoning Map Change: R-20 to VR and LUG-2 to VN, VR and V-TEC at 164, 165, 167, and 171 Hummock Pond Road

53. Article 53, Zoning Map Change: Daffodil Land and Mayflower Circle – R-20 to R-5 and Evergreen Way – LUG-2 to R-10, R-10L, and/or R-20

54. Article 54, Zoning Map Change: Evergreen Way, Daffodil Lane and Davkim Land – Lug-2 to R-40

55. Article 55, Zoning Map Change: LUG-2 to LUG-1 Surfside West and Surfside South - South Shore Road, Rachel Drive, Zachary Way, Tripp Drive, Correia Lane, Felcon Lane, Marilyn Lane, Masaquet Avenue, Morgan Square, Boulevarde, White Street, Pochick Avenue, Okorwaw Avenue, Lover's Lane and Monohansett Road

56. Article 56, Zoning Map Change – South Shore Road from LUG-2 to R-10, R-20, and/or R-40 and Town and Country Overlay District Amendment

57. Article 57, Zoning Map Change: R-10 to CN – Hooper Farm and Fairgrounds Roads and Sparks Avenue

58. Article 58, Zoning Map Change: Airport Property: LUG-3 and/or CI to R-5, R-10, and/or CN – 10 Sun Island Road and Zoning Bylaw Amendment: Town and Country Overlay District

59. Article 59, Zoning Map Change: RC, R-1, ROH, and R-20 to R-40 – Town Open Space

60. Article 60, Zoning Map Change: RC-2, VR, LUG-1, and LUG-2 to LUG-3 – Country Open Space

61. Article 61, Zoning Bylaw Amendment: Accessory Apartment
62. Article 62, Zoning Bylaw Amendment: Tertiary Dwelling
63. Article 63, Zoning Bylaw Amendment: 'Tiny House' District: Isaiah Stover, sponsor.
64. Article 64, Zoning Bylaw Amendment: Miscellaneous Technical Changes
65. Article 65, Zoning Bylaw Amendment: Definitions/ Ownership: Arthur Reade, sponsor
66. Article 66, Zoning Bylaw Amendment: Definition/Municipal: Arthur Reade, sponsor
67. Article 67, Zoning Bylaw Amendment: Major/Minor Site Plan Review
68. Article 68, Zoning Bylaw Amendment: Special Permit Granting Authority for Commercial Uses
69. Article 69, Zoning Bylaw Amendment: Height Limitation: Arthur Reade, sponsor
70. Article 70, Zoning Map Change: R-1 and R-10 to CN and Zoning Bylaw Amendment: Nantucket Cottage Hospital Overlay District
71. Article 71, Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Changes
Discussion **Gibson** – This has gone through Planning, Health and DPW.
72. Article 72, Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes
Discussion **Gibson** – This has gone through Planning, Health and DPW.
73. Article 73, Bylaw Amendment: Board of Sewer Commissioners/ Siasconset Sewer District Map Changes
Erika Mooney, sponsor.
Discussion **Gibson** – Believes this has been added into the Town article.
Mulcahy – On the sewer articles, there is a 3-person board that reviews them and makes recommendations as to whether or not they should be approved.
74. Article 74, Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes:
Alfred Terry Sanford, sponsor
Discussion **Gibson** – This might have been added into the Town article.
Mulcahy – On the sewer articles, there is a 3-person board that reviews them and makes recommendations as to whether or not they should be approved.
75. Article 75, Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District map Changes, Linda Williams, sponsor
Discussion **Gibson** – This might have been added into the Town article.
Mulcahy – On the sewer articles, there is a 3-person board that reviews them and makes recommendations as to whether or not they should be approved.
76. Article 76, Bylaw Amendment: Poles and Wires, Removal of
Discussion **Gibson** – Town-sponsored bylaw amendment to allow for municipal equipment to be placed as needed on utility poles.
77. Article 77, Bylaw Amendment: Peace and Good Order
Discussion **Gibson** – Clean up as it relates to public entertainment; changed to have BOS set the fees not to exceed \$100. This also includes an appropriate food-service permit will be obtained from the Health Department.
78. Article 78, Bylaw Amendment: Peace and Good Order
Discussion **Gibson** – This is Town sponsored as it related to street performances and use of amplification. It also prohibits placement of power cords on sidewalks.
79. Article 79, Bylaw Amendment: Wharves and Waterways
Discussion **Gibson** – This is a rewrite of the bylaw, which hasn't been overhauled in years.
80. Article 80, Bylaw Amendment: Ban on Sale and use of Balloons: Scott J. Leonard, sponsor
Discussion Discussed Dec. 15 Deferred for further study.
Gibson – This is a citizen article
81. Article 81, Acceptance of Massachusetts General Law Pertaining to Capital Projects Stabilization Fund
Discussion **Gibson** – Town sponsored to accept MGL as it relates to establishing a Capital Projects Stabilization Fund.
Mulcahy – There was talk that this committee would compile a list of recommendations to the Board of Selectmen.

82. Article 82, Repeal of Home Rule Petition Relative to Retirement Benefits for Nantucket Town and County Employees: Artell Crowley, sponsor

Discussion Discussed Dec. 15

Motion **Motion Not to Adopt.**

83. Article 83, Maintain Existing Retirement Plans: Robert G. Bates, sponsor

Discussion Discussed Dec. 15

Motion **Motion to take no action.**

84. Article 84, Home rule Petition: Airport Fuel Revolving Fund

Discussion **Gibson** – This would list a cap as established under MGL as to an aggregate cap on revolving funds.

85. Article 85, Home Rule Petition: Community Preservation Committee

Discussion **Gibson** – This is a resubmittal.

86. Article 86, Home Rule Petition: Increasing Residential Property Exemption

Discussion **Gibson** – Seeks to allow the Town to increase the residential property tax exemption from 20% up to 30%. To do that, we must have special legislation. The commercial residential exemption is different; that's a tax base shift.

87. Article 87, Home Rule Petition: Conveyance of Properties from County to Town

Discussion **Gibson** – Conveys property from the County to the Town.

88. Article 88, Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land Bank and Madaket Conservation and Land Trust

Discussion **Gibson** – Conveys property to conservations groups. This requires special legislation.

89. Article 89, Real Estate Disposition/Home Rule Petition: Transfer of 47 Prospect Street and 1 Milestone Road

Discussion **Gibson** – Relates to the hospital and transfers a portion of 47 Prospect to the Hospital and allows for mitigation at 1 Milestone Road

90. Article 90, Zoning Map Change: R-40 to CN

Discussion **Gibson** – This also relates directly to Article 89 because special authorization is needed to use parkland for a different purpose.

Grause – The hospital is planning to build on their own property; are these articles still needed.

Gibson – The Board believes there will be a need for flexibility.

91. Article 91, Home Rule Petition: Conveyance of Property/Portion of 47 Prospect Street: Thomas Barada sponsor

Discussion **Gibson** – This is a citizen article.

92. Article 92, Home Rule Petition: Repeal of Amendment of Historic District Commission Act Relative to Membership: Linda Williams sponsor

93. Article 93, Home Rule Petition: Amendment of Historic District Commission Act: Linda Williams, sponsor

94. Article 94, Home Rule Petition: Amendment of Historic District Commission Act: Linda Williams, sponsor

Discussion Discussed Dec. 15. Deferred pending new language.

Gibson – These three are citizen articles relating to the HDC

Worth – Ms Williams and Mr. Cohen spoke about having the language changed. Asked if that change has been received.

Mulcahy – The new language has not yet been received. These articles are the ones submitted for the deadline. He understood that the language would be presented by "next week" and he has not seen that. As far as he's concerned this is what they have here is what is presented. Town Counsel has been doing an exhaustive review and will come forward with his recommendations.

Gibson – There was discussion about the Selectmen putting in an article to adopt 40C or make changes to the existing legislation. That process is exhaustive and adoption of 40C requires actions to be taken before hand.

Discussion about how a change of language would be presented on Town Meeting floor if not received by FinCom before the warrant goes to print.

95. Article 95, Real Estate Conveyance: Portions of Baxter Road

Discussion **Gibson** - Authorizes BOS to dispose of certain interests in a parcel of land that would be potentially be used for alternative access.

96. Article 96, Real Estate Acquisition: Unnamed Way Off Baxter Road

Discussion **Gibson** – Action is required to implement the idea of Article 95.

97. Article 97, Real Estate Disposition: Unnamed Way Off Baxter Road

Discussion **Gibson** – Action is required to implement the idea of Article 95.

98. Article 98, Real Estate Conveyance: Industrial Land

Discussion **Gibson** – This is an amendment to vote taken at the 2013 ATM in regards to airport-owned industrial land. The previous article was about only leasing the land; this authorizes the Board to convey that land.

Tiffany – Asked the Town's view on the difference between purchasing and leasing.

Gibson – Explained that conveying the property allows the other party site control, which has been indicated as necessary for financing; it also frees the Town of liability.

99. Article 99, Real Estate Disposition: Long-term Lease Authorization for Town-owned portions of 16 Vincent Circle and Ticcoma Way fka 2 Fairgrounds Road

Discussion **Gibson** – For long-term lease authorization for parcels on Ticcoma Way that would be used for Town-sponsored housing and/or affordable housing. ReMain is going to fund the services of a designer for options of how the housing would be placed; hopefully that will be completed before ATM so that people could see what it will potentially look like.

100. Article 100, Long-term Lease Authorization: Airport Road Parcel

Discussion **Gibson** – This is related to the gas station on Airport Road. It was discovered that there is not long-term lease authorization in place.

101. Article 101, Real Estate Conveyance: Miscellaneous Land

Discussion **Gibson** – This authorizes the transfer of lands to private parties or others. This relates back to the home rule petition that allows the transfers in the first place

102. Article 102, Real Estate Acquisition: "Paper" Streets at the Airport; Cliff, Eel Point, Madaket, Monomoy, Siasconset, Surfside and Town Areas; Parcels at 24 Berkley Street in Tom Nevers; Beach at Surfside

Discussion **Gibson** – The Town would acquire to clear title then convey these properties via the yard sale.

103. Article 103, Real Estate Conveyance: "Paper" Streets" in Cliff, Eel Point, Madaket, Monomoy, Siasconset, Surfside and Town Areas; Parcel at Beach at Surfside

Discussion **Gibson** – The Town would acquire to clear title then convey these properties via the yard sale.

104. Article 104, Public Ways: Coffin, Fayette, Meader and Francis Streets

Discussion **Gibson** – This article was in last-year's warrant and apparently there is an action that needed to be done within 30 days of the ATM vote. That did not happen.

105. Article 105, Real Estate Disposition: 40 and 42R Sparks Avenue: Catherine Stover, sponsor

Discussion **Gibson** – This is a citizen article.

106. Article 106, Real Estate Disposition: 3 Shadbush Road: Catherine Stover, sponsor

Discussion **Gibson** – This is a citizen article.

107. Article 107, Real Estate Conveyance: "Paper Streets" at the Airport

Discussion **Gibson** – This article will be explained by Andrew Vorce, Director Planning Land Use Services.

108. Article 108, Real Estate Conveyance: Creation of a Public Way for Beach Access: Thomas Barada, sponsor

Discussion **Gibson** – This is a citizen article.

109. Article 109, Real Estate Conveyance: Madequecham Valley Road: Thomas Barada, sponsor

Discussion **Gibson** – This is a citizen article.

110. Article 110, Appropriation: Stabilization Fund

Discussion **Gibson** – An annual article.

111. Article 111, Appropriation: Free Cash

Discussion **Gibson** – An annual article.

Gibson – There is also the election warrant for all town officials as well as the debt exclusions for the fire station and the school.

The second public hearing for citizen warrant articles is scheduled for Monday February 9. After that Fincom will start crafting motions.

VII. DISCUSSION OF FINANCE SUBCOMMITTEE ON PENSIONS

Mulcahy – Have not yet received a charge; would like to set up a date for this group to meet. Thursday at 3 p.m.

Sperry – Won't work for Sperry he's off island; will be back Feb 12.

Mulcahy – Post a meeting for 3 p.m. Feb 12. He will forward some information to the FinCom members.

VIII. NEXT MEETING DATE/ADJOURNMENT

Mulcahy – The Tuesday, February 3 meeting is to review warrant articles which has been done. CANCELLED

Date: Thursday, February 5, 2015; 4:00 p.m.;

Topics: County; School

Adjourned 5:38 p.m.

Submitted by:

Terry L. Norton



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: Matthew T. Mulcahy (Chair), David Worth (Vice-chair), John Tiffany, Christopher J. Kickham, Clifford Williams, James Kelly, Stephen Maury, Craig Sperry, Joseph T. Grause Jr.

MINUTES

Thursday, February 05, 2015

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:01 p.m.

Staff in attendance: Libby Gibson, Town Manager; Gregg Tivnan, Assistant Town Manager; Brian Turbitt, Director of Finance; Martin Anguelov, Assistant Finance Director; Terry Norton, Town Minutes Taker

Attending Members: Mulcahy, Tiffany, Kickham, Williams, Kelly, Sperry, Maury

Absent Members: Worth, Grause

Late Arrivals: Sperry 4:30 p.m.

Early Departures: None

Documents used: January 26, 2015 minutes; Nantucket County FY2016 Budget; NPS Budget Development FY2016

I. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMITTEE AT THIS TIME

1. None

II. APPROVAL OF PRIOR MEETING MINUTES

1. None

III. COMMITTEE REPORTS/OTHER BUSINESS

1. Audit Committee – Monday Jan 9 1 p.m.

IV. RESERVE FUND TRANSFER REQUEST FROM TOWN ADMINISTRATION

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Maury

Discussion Mulcahy – A request to cover cost of printing and inserts of the Town Warrant into the "Inquirer and Mirror".

Gibson – There has been a rate increase of advertisements for public notices at the "Inquirer and Mirror". The Town Charter requires that the Town Meeting warrant be in the newspaper. This year it is \$32,000 and there isn't enough money in the advertising budget.

Tiffany – You are asking for \$32,000; he thought the increase was from \$20,000 to \$32,000.

Gibson – This is also trying to cover the other public notices that will need to be printed between now and the end of the fiscal year. She could ask for \$12,000, but they would see a deficit in the advertising budget.

Williams – Asked who controls the laws that the warrant be published in the newspaper; we have social media now.

Gibson – This is a local law in the Town Charter; we can change it at any time. We might consider submitting a warrant at the 2016 Annual Town meeting to retract that requirement. Enumerated other ways to disseminate the warrant.

Motion **Motion to Approve the transfer of \$32,000 to the General Fund.** (made by: Kelly) (seconded by: Maury)

Vote Carried unanimously

V. NANTUCKET COUNTY FINANCE REVIEW COMMITTEE MEETING

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Maury

Called to order the Nantucket County Finance Review Committee meeting at 4:06 p.m.

A. Public Comments: None

B. Approval of Minutes: None

C. Review and Adoption of FY2016 County Budget:

Discussion **Gibson** – There are two agencies within the county: County Administration and the Registry of Deeds. County revenue sources include: Town assessment and Deed Excise Revenue. Explained the Deed Excise Revenue. The projected FY2016 county revenue totals \$981,468. The funding requirement, which is required by law, for FY2016 is about \$300,000. At some point we will want to talk to Representative Tim Madden about this. Projected FY2016 county expenses total \$981,468; the county has no actual employees. Compared FY2016 to FY2015; 2016 is down a bit. There are two articles on the warrant that relate to the county budget.

Tiffany – Asked why the budget is going down.

Gibson – We are spending less on legal services and surveying.

Kelly – Asked how much the Town assessment changes.

Gibson – It is a balancing number; it hasn't change significantly.

Mulcahy – Read Article 20: County assessment.

Motion **Motion to Adopt Article 20.** (made by: Kelly) (seconded by: Maury)

Vote Carried unanimously

Mulcahy – Read Article 21: County appropriations.

Motion **Motion to Adopt Article 21.** (made by: Kelly) (seconded by: Kickham)

Vote Carried unanimously

D. Adjourned Nantucket County Finance Review Committee meeting at 4:17 p.m.

VI. REVIEW OF NANTUCKET PUBLIC SCHOOLS (NPS) FY2016 BUDGET

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Sperry, Maury

Discussion **Michael Cozort**, Superintendent of Schools – Stated the budget is driven by enrollment; reviewed the increase in school district enrollment over the past 20 years. Explained possible reasons for the increase in English language learners (ELL) from 30 in 2001 up to 222 students at present. Reviewed the special education population.

Kelly – Asked if the growth in special population matches the general population.

Cozort – That can't be ascertained by looking at one year.

The FY2016 budget totals \$25,436,642. Reviewed the operating budget, which has gone up; the per-pupil expenditures have gone down since 2009.

Tiffany – It is not unusual for a growing organization to find numbers moving this way.

Cozort – There is economy of scale in some classes and not in others.

Kickham – Asked if there is a policy on class sizes.

Cozort – About 20 years ago there was a policy but not any longer. Explained the philosophy on class sizes in various situations.

Kickham – Asked if a teacher's assistant affects the class size.

Cozort – No; assistants now have more specific tasks, such as assisting a child with special needs. Reviewed Chapter 70 fund figures, which is driven by enrollment; they have gone up.

Glen Field, School Finance director – Explained how Chapter 70 funds are determined for a school district and why Nantucket schools did not receive an increase in those funds.

Williams – In discussions with the Town Clerk, she said she could declare an emergency due to the number of unreported people living on Nantucket; but the numbers don't lie in regards to children showing up for school. Asked if there is a way to show the State that Nantucket is a gateway community for immigrants.

Cozort – His administrative team has had that discussion and agrees that Nantucket is a gateway community; however, the benchmarks used to determine that for Chapter 70 are geared toward the cities and Nantucket doesn't qualify in terms of raw numbers.

Reviewed the Federal Grants received for school year 2014/15 which totaled \$529,068.

Noted that 80% of the budget is payroll and 20% is other expenses; this has been the case for the last 4 years.

Mulcahy – Looking at individual schools, there are different percentages. Asked for clarification on the reasons for those differences.

Cozort – What brings the overall percentage down is athletics, central office, and special education.

Field – Town's architecture of the budget is driven by Department of Revenue (DOR). NPS actually has 4 budgets; explained those 4 budgets. When they present to the school committee the budget is purely instructional for the elementary school; there is no maintenance, grounds, and infrastructure costs included there.

Cozort – Reviewed the Community School appropriation history since FY2000. Explained the Special Education residential tuitions. They have worked very hard to keep as many children home so they don't have to send children to the mainland. Explained parameters to be maintained in preparing the budget and specific increases driving the budget.

Tiffany – Asked if the custodial is driven by the square-foot needs since the Superintendent is saying that staff is inadequate.

Cozort – Yes. Explained facility changes that require the extra custodian.

Kickham – Asked if the \$30,000 is for the bus or the driver.

Cozort – That is for the bus and driver; they contract through Cape Cod Collaborative. Reviewed areas of cost savings.

Kickham – Asked if the move to one-on-one computer is to be done all at once.

Cozort – They plan to stagger it by grades; explained how they would do that. They have also talked about leasing technology which has a life-span of about 3 years so might be more practical.

Kickham – Asked if the decrease in the ELL teacher's assistant off-sets the teacher at \$65,000

Cozort – Yes. Reviewed what they would do with additional funding.

Mulcahy – Asked if the schools are satisfied with the safety and security in place now.

Cozort – There are projects underway that won't be complete until summer but they represent good advances.

Kelly – Pointed out that the FinCom has access to one-time emergency funds for unforeseen expenses.

Kickham – The funding for the Community School, asked how that works; it has increased over the last 3 to 4 years.

Cozort – The reason for the jump was that in 2014 the Community School assumed payments for their health insurance; prior to that it was not included in their appropriations.

Williams – Asked why the health insurance was split off.

Field – The Community School operates on a grant and revolver. The subsidy offset which keeps fees reasonable dropped to 22% from historically 44%. We were boosting back to the original level, but since then programs have been added that have brought the revenue up.

Kickham – On the budget total, noted that the PowerPoint® says \$25,436,642 but the school committee voted \$25,436,641.

Field – The cents were rounded.

CAPITAL

Diane O'Neil, Director of Facilities – Reviewed the NPS Facilities 5-year plan sans the new elementary school. Explained FY2016 capital requests. Explained need to lease another modular classroom.

Spery – Asked how many students fit in the modular classrooms. (45 & 44)

Kickham – Asked if there is an advantage to students being in a classroom as opposed to a modular.

Cozort – Younger students like them; older students don't; they are air-conditioned. A down side is that they are cramped.

O'Neil – \$100,000 for Phase II of window replacement in the middle school and high school.

Tiffany – Asked how long the replacement will take.

O'Neil – It is in for two years after this. A second modular request; it might end up for the Community School administration or central office.

Kickham – Asked why the central offices need to move.

Cozort – It makes no sense to have students going in and out of the building when the central office can be out there and free up two classrooms in the high school.

O'Neil – \$150,000 for Backus Lane athletic storage; this would be a shell with bathrooms. The elementary school generator is out of date; have a design for an external generator.

Williams – Asked why take it outside.

O'Neil – The engineering firm said that because of the fuel it can no longer be kept inside.

Mulcahy – The capital projects are outlined in Article 10 and operation in Article 8

VII. REVIEW OF PROPOSED ELEMENTARY SCHOOL PROJECT

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Sperry, Maury

Discussion **Michael Cozort**, Superintendent of Schools – Reviewed the studies and conditions that resulted in the determination that space needs to be added to the elementary school, which now has over 700 students when it was designed for 500. It is considered the largest elementary school in the Commonwealth. The studies also indicated that the enrollment will continue to rise through 2020. Developed a Building Committee which determined that an intermediate school for grades 3-5 would be best along with an addition to the middle school; the committee then reviewed several sites choosing an L-shape in the existing parking lot of the elementary school. Explained why that space was chosen in regards to traffic flow. They have added a 177 space parking lot to serve the elementary school as well as events parking at the high school. Explained the 6-classroom addition to the back of the middle school. Reviewed the floor plan for the new school.

Kickham – Noted there is not a clear path between the entrances of the existing and proposed elementary schools.

Cozort – Pointed out that the drawings are conceptual. Reviewed the concept for the exterior elevations. Explained office and programs that could be moved into or introduced in the existing elementary school.

Reviewed the floor plan for the proposed middle school addition.

Williams – Asked if there has been any projection of the possible operating budget increase for the new building.

Cozort – They are working on that. The biggest factor would be an increased custodial staff and possibly another school nurse. Reviewed the design and engineering/construction costs for the new school and addition to the middle school. Compared the costs per square foot for the new school with recent and projected School projects in other communities. Reviewed a handout of new similarly sized elementary school projects in the Commonwealth. The estimated impact of the new school on the tax bill of a \$1M home breaks down to equal 7 cups of coffee per month.

Tiffany – Asked if the tax impact includes smoothing.

Turbitt – That is the impact projected with what we know today.

Kelly – Asked if the construction numbers escalate for the point of construction.

O'Neil – It takes into account escalation.

Kelly – Asked if modular construction was being looked at.

Cozort – Have been interviewing management groups and talked about that and where savings could be realized.

Williams – Asked why sewers' borrowing costs were 2% and school is 5%.

Turbitt – Have to take into account what interest will do in coming years. The 2% is through a special state fund. This borrowing is the Town doing it on our own. Borrowing wouldn't be on the books until 2019. It shows up on the books when the project is complete.

Sperry – Asked about the Massachusetts School Building Authority (MSBA) process.

O'Neil – The MSBA process is "either/or" you are either accepted or not. 15 applicants were accepted out of 128. We are applying again. They fund only a portion of eligible reimbursements; you have to have appropriation of funds and make repayments. The \$32M would not all be eligible, only about 40%.

Sperry – Spoke to Diane Sullivan at MSBA; reviewed what she told him. She made the point to him that if the need is still there for overcrowding; you need to make that point.

Cozort – We have asked for feedback as to why we weren't chosen; her answer was vague. In 2009 & 2010 we applied and what we heard back then is our need is based upon enrollment; other schools have a need not only for enrollment but dilapidated buildings.

Sperry – Looking at their website, other wealthy communities are getting money.

Cozort – Correct but if you look at the condition of their buildings; he guesses that is the factor that promoted them.

Sperry – He understands from his conversation with Ms Sullivan that the more noise we make the better our chance.

Cozort – Has spoken to Representative Tim Madden on this.

Mulcahy – Asked what happens if we approve the school building and then the school gets approved for MSBA funding.

O'Neil – In that case we wouldn't be approved. They like projects starting from scratch.

Cozort – Their process brings strings and timeframes that will end up extending the project out to 5 years rather than 3.

Tiffany – He has looked at state grants; the restrictions are that they want to take over design and construction. We would have no control.

Sperry – With the 30% or 40% they would provide, that is a lot of money. Even with additional controls, it is a substantial amount of money.

Kickham – That creates the risk of delaying the project to before finding out whether or not the grant is being awarded.

Cozort – He is meeting with the building committee to discuss what they would do if this is not passed at Town Meeting.

Sperry – Supports the idea of going through the process even though it delays the project a year.

Cozort – Is not as hopeful as Mr. Sperry and he isn't willing to lose another year.

Sperry – Further emphasized his support to seek the MSBA funds.

Kelly – The need for a new elementary school has been there for years and it has taken longer than it should to address it.

O'Neil – Applications were submitted in 2008, 2009, 2010 that expressed the urgency and those were denied.

Mulcahy – It looks like the process needs to play out as the schools are going forward: Town Meeting and MSBA. This committee will be taking a motion on Article 12.

VIII. DISCUSSION OF FINANCE SUBCOMMITTEE ON PENSIONS

Mulcahy – A meeting is scheduled for Feb. 12 at 6 p.m. The Board of Selectmen approved the charge. The original expectation would be to have a result by March 15; it is now March 25.

IX. NEXT MEETING DATE/ADJOURNMENT

Date: Monday, February 9, 2015; 4:00 p.m.; 4 Fairgrounds Road, Community Room

Topics: Citizen Warrant Articles Public Hearing

Adjourned 5:55 p.m.

Submitted by:
Terry L. Norton



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: Matthew T. Mulcahy (Chair), David Worth (Vice-chair), John Tiffany, Christopher J. Kickham, Clifford Williams, James Kelly, Stephen Maury, Craig Sperry, Joseph T. Grause Jr.

MINUTES

Monday, February 09, 2015

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:05 p.m.

Staff in attendance: Libby Gibson, Town Manager; Gregg Tivnan, Assistant Town Manager; Brian Turbitt, Director of Finance; Martin Anguelov, Assistant Finance Director; Terry Norton, Town Minutes Taker

Attending Members: Mulcahy, Tiffany, Kickham, Williams, Kelly, Maury, Sperry

Absent Members: Worth, Grause

Late Arrivals: Maury, 4:11 p.m.

Early Departures: None

Town Counsel: John Giorgio, Kopelman and Paige

Documents used: Warrant for 2015 Annual Town Meeting

I. PUBLIC HEARING FOR WARRANT ARTICLES FOR 2015 ANNUAL TOWN MEETING (ATM)

Mulcahy – Stated rules of the hearing.

1. Article 75, Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes, Linda Williams, sponsor

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Maury, Sperry

Recused None

Discussion **Linda Williams**, sponsor – She would appreciate a favorable recommendation. This is her second attempt to pass this article. Stated that she has sewer 10 feet in front of her house. Reviewed the areas around her and her neighbors which have sewer. If they aren't in the sewer district, they are at a distinct disadvantage. Said she and her neighbors not on sewer do meet 6 or 7 of the 10 criteria.

Kickham – Asked how the properties grouped in the article are positioned.

L Williams – They look out their front doors at Sherburne Commons, which is on sewer.

C Williams – Asked why it failed at the 2014 Town Meeting.

L Williams – Stated that one or two members of the Sewer Work Group did not feel at that time there was enough rationale to support it.

C Williams – Asked if one of the reasons was that the force main goes by there.

L Williams – We know we can't connect to the force main. Out on South Shore Road there is a sewer line for Abrams Quarry and Sherburne Commons. She feels that at some point the Town will have to run sewer down her road.

C Williams – Asked if they would need easements to get to the sewer line.

L Williams – We own our road. We can go right pass the force main. There are two of us on side of it and four on the other. The water came over the top of it.

2. Article 92, Home Rule Petition: Repeal of Amendment of Historic District Commission Act Relative to Membership: Linda Williams sponsor

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Maury, Sperry

Recused None

Discussion **Linda Williams**, sponsor – This article would repeal the home rule petition that was passed last year, which, in her opinion, "is insanity." There is an alternate and regular seat up for which the incumbents are running unopposed. These people are not coming out of the woodwork to spend 10 or 12 hours a week on the HDC. It is also "trial by fire." The Planning Board elects its five members to be responsible to the public; and Board of Selectmen (BOS) appoints the alternates to that board. At the HDC, the learning curve is many years before you can read a set of plans and know how the whole thing works; alternates could be appointed to by the BOS. In her opinion, the five regular members carry 90% of the burden and should be responsible to the public and not the political whims of 5 people. It is too public a board working with 1000s of applications a years. We don't necessarily get applicants who are qualified, and they can't be simply thrown into the fire. This would give the BOS the power to officially appoint the alternates. In the past, the BOS had appointed alternates when a vacancy occurred, which they do not have a legal right to do according to the Act. The 5 regular HDC members should continue to be elected to be responsible to the public without becoming a political football.

Kickham – Asked if Article 92 has the full support of the HDC.

L Williams – Yes, they talked about it but they haven't had a vote because they charged the work group with coming up with some of this stuff. She will bring it back to them before Town Meeting to ensure everyone is on the same page.

Contends that the HDC uses its alternates much more than any other board in town. The amount of meetings they have gives the alternates a "trial by fire" to make some of the policies and decisions the main board makes.

Kickham – Asked about the board going to seven full members.

L Williams – That would require four people to be present; on Thursday we run with three. That would be unwieldy

3. Article 93, Home Rule Petition: Amendment of Historic District Commission Act: Linda Williams, sponsor

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Maury, Sperry

Recused None

Discussion **Linda Williams**, sponsor – There is an error in this article; it should read "unpaid." The ~~strikeout~~ on the "un" should be removed. As she understands it, if they are paid board members, that makes them ineligible for Special Municipal Employee Status.

Giorgio – That is correct.

L Williams – They aren't getting paid for gas or anything and putting five times more than any other board. Some boards are getting stipends; but we can't without losing our special status. The position should remain unpaid.

Kickham – Asked if Article 93 has the full support of the HDC.

L Williams – Yes, they talked about it but they haven't had a vote because they charged the work group with coming up with some of this stuff. She will bring it back to them before Town Meeting to ensure everyone is on the same page.

4. Article 94, Home Rule Petition: Amendment of Historic District Commission Act, Linda Williams, sponsor

Sitting Mulcahy, Tiffany, Kickham, Williams, Kelly, Maury, Sperry

Recused None

Discussion **Linda Williams**, sponsor – This creates a hybrid of 40C and the Special Act. We have the right as citizens to amend our own Special Act. The BOS was going to put in an article relative to 40C, but they have not communicated their intent to the HDC or the Work Group. This would incorporate several parts of 40C that would work well for Nantucket and keep parts of the Special Act that work. She found "through the grapevine" that the BOS, for the second year, were not going to allow the HDC access to Town Counsel and they were not going to put a 40C article into the warrant. They have not had time to "mutate" this article. Asked for a recommendation to Take no action.

Giorgio – Clarified the process for adoption of 40C: the BOS appoints a study committee and holds a public hearing and develops a proposal for a HDC bylaw, which goes to Town Meeting. It must receive a 2/3 vote. There is a provision in 40C that addresses towns that already have an HDC by special act, which allows for an amendment to that through the 40C process. He communicated that to the BOS. If the Selectmen decide to go that route, in addition to appointing a 40C study committee, he sees no reason that committee could also be charged with looking at the existing HDC act. That creates an opportunity to look at options and potentially amend the existing special act in a way that it works best for Nantucket. The point is that it is not ready for Town Meeting until such time after the BOS has appointed that study committee.

L Williams – In 2013, she said that the HDC was given power to establish a work group to deal with this and any other changes necessary. The work group is in the process of revamping submission process and other problems the committee is having as well as the special act. We need to be able to control them so that they can mutate it at Town Meeting without going back for a home rule petition every time. There is an existing work group with multiple representations.

Mulcahy – Asked if she can estimate a date when the work group will have a report FinCom can look at.

L Williams – She put the hybrid together and has a pretty good idea of what needs to be done; that process will take a long time.

Mulcahy – Her recommendation is to Take No Action on Article 94.

Public hearing closed 4:41 p.m.

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Tuesday, February 10, 2015; 4:30 p.m.; Cyrus Peirce Middle School Cafeteria

Topics: Zoning and Real Estate articles

Adjourned 4:41 p.m.

Submitted by:

Terry L. Norton